

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

VICTOR RODRIGUEZ

Criminal Action

No. 98-362-12

September 27, 2011

MEMORANDUM & ORDER

Now pending before the court are Victor Rodriguez's *pro se* motion for enlargement of time to file a response (Docket No. 1122) and *pro se* letter/motion regarding the return of property pursuant to Federal Rule of Criminal Procedure 41(g) (Docket No. 1123). For the reasons that follow, I will dismiss the first motion as moot; to the extent the second motion seeks relief from this court, I will deny it.

Rodriguez is currently incarcerated for life in federal prison; he has made frequent use of the courts during his detention. As relevant to the pending motions, on March 7, 2005, Rodriguez filed a *pro se* motion for return of property seized and forfeited pursuant to Rule 41(g). (Docket No. 970.) On March 10, 2010, this court denied Rodriguez's motion. (Docket Nos. 1067, 1068.)

Rodriguez appealed to the Court of Appeals for the Third Circuit. During the

pendency of the appeal, he filed a motion for reconsideration in this court as to three items of property seized in Puerto Rico (Docket No. 1083)—claims which had been dismissed for improper venue. This court indicated it would grant the motion and transfer claims related to those three items to the United States District Court for the District of Puerto Rico were the case remanded for that purpose. (Docket Nos. 1089, 1090.) The Third Circuit remanded the case to permit such a transfer, *see United States v. Rodriguez*, No. 10-2179, 2011 WL 2579798, at *1 (3d Cir. June 30, 2011) (per curiam); as anticipated, on July 29, 2011, this court granted Rodriguez’s motion for reconsideration and transferred the three property claims to the District of Puerto Rico (Docket No. 1116).

Rodriguez subsequently sought to reopen his forfeiture case on the basis of allegedly newly discovered evidence. (Docket No. 1117.) This court ordered the United States to respond to Rodriguez’s request (Docket No. 1118); upon consideration of the United States’s response (Docket No. 1120), the court denied Rodriguez’s motion by a Memorandum and Order issued on August 18, 2011 (Docket No. 1121).

On August 22, 2011, Rodriguez filed a *pro se* motion for an extension of time to file a reply to the Government’s response regarding his efforts to re-open the Rule 41(g) motion. (Docket No. 1122.) The motion asserts that conditions at Rodriguez’s prison prevented him from responding in a timely manner. Because the court has already decided the matter, an enlargement of time to file a response would serve no purpose.

Accordingly, the motion is now moot.

On September 2, 2011, Rodriguez also filed a letter regarding his Rule 41(g) motion in which he requested “notice from this court or the court from Puerto Rico on how to proceed.” (Docket No. 1123.) The *pro se* filing has been construed for docketing purposes as a further motion for return of property under Rule 41(g). To the extent that Rodriguez seeks to pursue his claims regarding the property seized in Puerto Rico, those efforts should now be directed to the Clerk’s Office of the District Court of Puerto Rico, at the Federico Degetau Federal Building, 150 Carlos Chardón Street, San Juan, Puerto Rico, 00918. To the extent that Rodriguez’s September 2, 2011 filing might be construed as a motion for relief from this court’s March 20, 2010 ruling regarding other items of property, the motion is untimely and otherwise unmeritorious for reasons already described at length in this court’s Memorandum and Order of August 18, 2011.

Finally, in the September 2, 2011 letter/motion, Rodriguez claims not to have received a copy of this court’s order of July 6, 2011 (Docket No. 1113). In the order that follows, I shall direct the Clerk of the Court to furnish Rodriguez with the document he seeks.

* * * * *

AND NOW, this 27th day of September, 2011, it is hereby **ORDERED** that:

- (1) Rodriguez’s *pro se* motion of August 22, 2011, seeking an enlargement of time (Docket No. 1122), is **DISMISSED** as **MOOT**;

- (2) Rodriguez's *pro se* letter/motion of September 2, 2011, regarding the return of property (Docket No. 1123), is **DENIED** to the extent it seeks relief from this court's March 20, 2010 ruling; and,
- (3) The Clerk of the Court shall mail Rodriguez a copy of this court's Memorandum and Order of July 6, 2011 (Docket No. 1113).

BY THE COURT:

/s/ Louis H. Pollak
Pollak, J.